

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

198821-368252

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on _____

Signature _____

Typed or printed
name _____

Application Number

10/825,653

Filed

APRIL 16, 2004

First Named Inventor

GARTH SHOEMAKER

Art Unit

2609

Examiner

CHARLES C. FAN

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number

54,883

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

J. Conneely
Signature

JOSEPH CONNEELY

Typed or printed name

416-601-8179

Telephone number

JUNE 19, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No. : 10/825,653
Title : A METHOD AND SYSTEM FOR CONTROLLING
DETAIL-IN-CONTEXT LENSES THROUGH EYE AND
POSITION TRACKING
Applicant : Garth Shoemaker
Filed : April 16, 2004
Confirmation No. : 8479
Art Unit : 2609
Examiner : Charles C. Fan
Docket No. : 198821-368252
Customer No. : 27,155

Commissioner of Patents
P.O. Box 1450
Alexandria, V.A. 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This is in response to the Examiner's Final Office Action mailed March 25, 2008 (the "Final Office Action").

Please note that a Notice of Appeal and the appropriate fee have been filed with this Request.

The following are the errors in the Examiner's rejections and/or the Examiner's omissions of one or more essential elements needed for a prima facie rejection for which the Applicant respectfully requests review:

First: In the Final Office Action, the Examiner has not provided an explanation for the rejection of Claims 23-26 and 28-31 which includes independent Claim 23. Note that these claims are not marked as being allowed on the "Office Action Summary" sheet of the Final Office Action. As such, the Applicant respectfully submits that the Examiner has not established a prima facie case for rejecting Claims 23-26 and 28-31.

Second: On pages 1-2 of the Final Office Action, the Examiner has rejected independent Claim 1 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,670,984 to Robertson et al. ("Robertson"). (Independent Claims 12 and 32 have been similarly rejected.)

With respect to that element of Claim 1 that recites, "wherein the signal indicates a location and a depth in the original image", the Examiner cites col. 7, lines 31-42 of Robertson which recites the following:

"Typically, the viewer of display **102** will manipulate mouse **108** with mouse button **109** pressed to modify the values of lens_x and lens_y, will manipulate mouse **108** with mouse button **109** pressed while the mouse is pointed at an edge of the lens panel to modify the values of lens_width and lens_height, and will use the Alt key **120** of keyboard **110** to increase lens_z and the space bar **122** of keyboard **110** to decrease lens_z. Of course, for more natural movement, more than one value of lens_x, lens_y, lens_z, lens_width and lens_height may be modified for a given mouse command." (Col. 7, lines 31-42.)

However, this selection from Robertson does not teach receiving a signal that indicates a depth in the original image. Rather, what this selection teaches is the adjustment of the height of a truncated pyramid **203** (shown in FIG. 4(b) of Robertson) in the z-axis direction (i.e., "lens_z"). In Robertson, the truncated pyramid **203** is applied to an original full image **250** to generate a transformed or "lensed" image **252** as is shown in FIGS. 5(a) and 5(b) of Robertson. For example, the point E shown in the original full image **250** of FIG. 5(b) has x, y, z co-ordinates $E = (\text{lens_x}, \text{lens_y}, 0)$ as shown in Table 1 (col. 7, lines 1-15). When the truncated pyramid **203** is applied to point E, the point is elevated along the z-axis by the height lens_z of the truncated pyramid **203** to give the point $E' = (\text{lens_x}, \text{lens_y}, \text{lens_z})$ also as shown in Table 1. This elevated point is then projected onto the viewing plane **214** (see FIG. 4(b)) which results in the point E' that is shown in the lensed image **252**

of FIG. 5(b). Thus, rather than teaching receiving a signal indicating a depth in the original image as recited in Claim 1, Robertson teaching adjusting the height (i.e., lens_z) of a truncated pyramid 203 used to generate a lensed image 252.

For reference, FIGS. 4(a) to 5(b) of Robertson are reproduced below.

U.S. Patent

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FIG. 4(a)

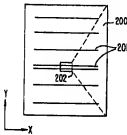


FIG. 4(b)

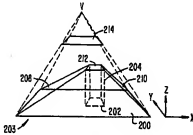
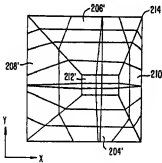


FIG. 4(c)



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FIG. 5(a)

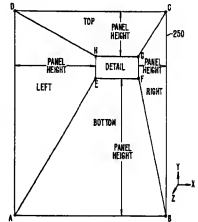
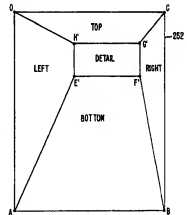


FIG. 5(b)



As such, Robertson does not teach or suggest that element of Claim 1 that recites: “wherein the signal indicates...a depth in the original image”. Consequently, the Applicant respectfully submits that Claim 1 is not anticipated by Robertson under 35 U.S.C. 102(b). In addition, the Applicant respectfully submits that the Examiner has not established a prima facie case of anticipation against Claim 1 under 35 U.S.C. 102(b).

Third: With respect to that element of Claim 1 that recites, “wherein the distorted region is positioned at the location and at the depth in the original image indicated by the signal”, the Examiner cites FIG. 4(b) and item 212 of Robertson. As is apparent from FIGS. 4(a)-4(c) and col. 6, line 3 to col. 7, lined 30 of Robertson, the “image lens face” 212 of Robertson represents the “lensed panel” 202 of the original or “full image” 200 (see FIG. 4(a)) after it is elevated by height “lens_z” to form the flat top of the truncated pyramid 203 (see FIG. 4(b)). The “image lens panel” 212’ of FIG. 4(c) is generated by projecting the image lens face 212 onto the viewing plane 214. As such, the image lens face 212 does not correspond to the “distorted region” of Claim 1. Rather, it corresponds to the “focal region” of Claim 4. Note that the distorted region of Claim 1 has a “magnified region” (which corresponds the image lens panel 212’ of FIG. 4(c) of Robertson) and a “compressed region” (which corresponds to the “four side panel images” 204’, 206’, 208’, 210’ of FIG. 4(c) of Robertson).

In addition, as mentioned above, the height lens_z of the image lens face 212 shown in FIG. 4(b) of Robertson is simply the height of the top of the truncated pyramid 203. It is not a depth in the original image (or full image 200 using the language of Robertson) as recited in Claim 1. Note that the image lens face 212 of FIG. 4(b) of Robertson corresponds to points E’F’G’H’ in Table 1 of Robertson (see FIG. 5(b) of Robertson as well).

Furthermore, in Claim 1, it is the entire distorted region that is positioned at the location and depth indicated by the signal, not just the magnified region.

As such, Robertson does not teach or suggest that element of Claim 1 that recites: “wherein the distorted region is positioned at the location and at the depth in the original image indicated by the signal”. Consequently, the Applicant respectfully submits that Claim 1 is not anticipated by

Robertson under 35 U.S.C. 102(b). In addition, the Applicant respectfully submits that the Examiner has not established a prima facie case of anticipation against Claim 1 under 35 U.S.C. 102(b).


Fourth: The above arguments are applicable to the Examiner's rejection of independent Claim 12.

Fifth: On pages 5-6 of the Final Office Action the Examiner cites Robertson against independent Claim 32. With respect to that element of Claim 32 that recites, "wherein the signal includes a location for the distorted region within the original image and a direction for the projecting onto the plane", the Examiner cites col. 7, lines 31-42 of Robertson (see above). However, this selection from Robertson does not teach or suggest receiving a signal indicating a direction for projecting displaced portions of the original image onto a plane as recited in Claim 32. All that col. 7, lines 31-42 of Robertson teaches is the modification of the lens_x, lines_y, lens_z, lens_width, and lens_height parameters. These do not pertain to projection direction.

As such, Robertson does not teach or suggest that element of Claim 32 that recites: "wherein the signal includes...a direction for the projecting onto the plane". Consequently, the Applicant respectfully submits that Claim 32 is not anticipated by Robertson under 35 U.S.C. 102(b). In addition, the Applicant respectfully submits that the Examiner has not established a prima facie case of anticipation against Claim 32 under 35 U.S.C. 102(b).

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Date: June 17, 2008

Respectfully submitted,
McCarthy Tétraut LLP
By: 
Joseph P. Conneely
Registration No. 54,883
Telephone: 416-601-8179
Fax: 416-868-0673

McCarthy Tétraut LLP
Box 48, Suite 5300
66 Wellington Street West
Toronto Dominion Bank Tower
Toronto, Ontario, Canada
M5K 1E6